

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>JAMES CURTIS HARRISON,</b>	)	
<b>Plaintiff,</b>	)	<b>C.A. No. 16-224 Erie</b>
	)	
<b>v.</b>	)	
	)	
<b>SCI FOREST MEDICAL DEPT., et al.,</b>	)	<b>Magistrate Judge Baxter</b>
<b>Defendants.</b>	)	

**OPINION**

United States Magistrate Judge Susan Paradise Baxter

**I. Relevant Procedural History**

Plaintiff James Curtis Harrison, an inmate incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania, filed this *pro se* civil rights action on September 12, 2016. On October 6, 2016, this Court issued an Order directing Plaintiff to provide USM-285 form service instructions by October 25, 2016, so that Defendants can be properly served with the complaint in this matter [ECF No. 6]. This Order specified that Plaintiff's failure to provide the required service form within such time may result in the dismissal of this action for failure to prosecute. To date, Plaintiff has failed to provide the required service instructions to the United States Marshal to allow this case to proceed.

**II. Discussion**

The United States Court of Appeals for the Third Circuit has set out a six-factor balancing test to guide a court in determining whether dismissal of a case is appropriate. Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863 (3d Cir. 1984). The court must consider: 1) the

extent of the party's personal responsibility; 2) the prejudice to the adversary caused by the failure to meet scheduling orders and respond to discovery; 3) a history of dilatoriness; 4) whether the conduct of the party or attorney was willful or in bad faith; 5) the effectiveness of sanctions other than dismissal, which entails an analysis of alternative sanctions; and 6) the meritoriousness of the claim or defense. Id. at 868. Not all of the six factors need to weigh in favor of dismissal before dismissal is warranted. Hicks v. Feeney, 850 F.2d 152 (3d Cir. 1988).

Applying the Poulis factors to the present matter, this Court recommends the dismissal of this case. For the last several months, Plaintiff has taken none of the necessary steps to prosecute this case against Defendants. In particular, Plaintiff has failed to comply with an Order of this Court. Alternative sanctions, such as monetary penalties, are deemed inappropriate. Thus, this case will be dismissed due to Plaintiff's failure to prosecute.

An appropriate Order follows.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States Magistrate Judge

Dated: November 29, 2016